

REMARKS

Claims 1-4, 6, and 8-26 are pending in the application. Claims 25 and 26 are being added. Claims 5 and 7 are being cancelled. Claims 1, 6, and 8 – 10 are being amended. No new matter is being introduced by way of the amendments or new claims.

Claims 8 and 10 are objected to because of informalities.

Claims 1-4, and 11-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jingsha He's (U.S. Patent No. 5,944,824, hereinafter, "He"), in view of Thomas Woolston's (U.S. Patent No. 5,845,265, hereinafter, "Woolston").

Claims 6 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tadhg Kelly et al. (U.S. Patent No. 6,678,826, hereinafter, "Kelly"), and further in view of Woolston.

Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Woolston, and further in view of He.

Claims 23 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of He.

Reconsideration and allowance of all pending claims is respectfully requested in view of the following remarks.

Claim Objections

Claims 8 and 10 stand objected to due to informalities. Applicants have amended the claims to correct dependencies based on the recommendations in the Office Action. Accordingly, Applicants respectfully request the objection to claims 8 and 10 be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-4, and 11-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over He in view of Woolston.

With regard to the rejection of claim 1, Applicant is amending claim 1 to further clarify the claimed invention. Support for the amendments can be found in the drawings, at least in FIG. 2A

and 2B. Applicant respectfully submits that the combination of He and Woolston do not teach or suggest elements in amended claim 1.

In particular, He does not disclose at least "a modem bank in communication with said first server and further in communication with the remote network elements via a public switched telephone network (PSTN), an out-of-band access path defined by a communication path between the user computing device and the remote network element via said first network, firewall, first server, modem bank, and PSTN." He describes a secured network that permits a user to use a single sign-on to access multiple network elements. In accessing the network elements, the user accesses the network elements using a computer (12) and accessing a dial-up gateway (28) to communicate with a network element (20) (FIG. 1). He, however, does not teach or suggest both inband and an out-of-band access to the network element (20). He also does not disclose "a firewall in communication with said first network and configured to restrict access to said first network and the user." For example, FIG. 1 of He depicts the users (12) accessing the first network (10) without passing through a firewall.

Woolston discloses a method and apparatus for creating a computerized market for used and collectible goods by use of a plurality of low cost posting terminals. Woolston fails to overcome the shortcomings of He as described above. At least because of the shortcomings of He and Woolston not teaching or suggesting the "modem bank" element or "firewall" element of claim 1 as recited, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. 103(a) be withdrawn.

Claims 2 - 4, 25 and 26, which depend from independent Claim 1, should be allowed for at least the same reasons.

With regard to the rejection of claim 11, there are three separate requests that are elements of claim 11. Applicants submit that He fails to disclose the three separate requests. Specifically, one request not described by He is "authenticate a second request, said request being a request to access said remote modem." The Office Action cites to column 14, lines 64 - 67, which reads "[t]he ticket is forwarded 330 to the secure terminal server 24 that serves the NE 20 along with the request to establish a secure connection 332 between the user 12 node and the NE 20." There is no mention of a remote modem found in the cited language or anywhere else in He. In FIG. 1 of He, there is also no depiction of a remote modem. Therefore, it cannot be fairly said that He teaches or suggests "a request to access said remote modem." Woolston fails to overcome the shortcomings of He as

described above. Because of the shortcomings of He and Woolston, Applicant respectfully requests that the rejection of claim 11 under 35 U.S.C. 103(a) be withdrawn.

Claims 12 – 22, which depend from independent claim 11, should be allowed for at least the same reasons.

Claims 6 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Woolston. Applicant is amending claim 6 to further clarify the claimed invention. Support for the amendments can be found in the drawings, at least in FIGs. 2A and 2B. Applicants respectfully submit that the combination of Kelly and Woolston do not suggest or disclose the newly amended claim 6.

The combination of Kelly and Woolston fails for the intended purpose of Kelly's invention. Kelly is meant to have a one-to-one connection between the modem and a network element (see FIG. 1, modem 36 and network element 64, for example), rather than a number of modems being able to access a particular remote network element, as in the claimed invention. Additionally, Kelly allows access to the PSTN before an authentication process has been initiated. The claimed invention, as amended, recites the out-of-band access path to include "the firewall, a first server, a modem bank, and a public switched telephone network." In Kelly, the PSTN is accessed without going through a firewall, modem bank, or a first server that performs authentication (see FIG. 1, technician 60 connected to PSTN 78). Amended claim 6 further recites "an in-band access part defined by . . . said first network, firewall and router," but FIG. 1 of Kelly shows the inband path as accessing the network devices without passing through a firewall. The structures of Kelly and the invention as claimed in claim 6 are not taught or suggested by the cited references.

Woolston fails to overcome the shortcomings of Kelly as described above. Because of the shortcomings of Kelly and Woolston, Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. 103(a) be withdrawn. Claims 8, 9, and 10, which depend from independent Claim 6, should be allowed for at least the same reasons.

Additionally, regarding claims 8 and 9, which are rejected by adding He to the combination, of Kelly and Woolston, He does not overcome the shortcomings noted above for independent claim 6. Therefore, withdrawal of the rejection is respectfully requested, and claims 8 and 9 should be allowed for at least the same reasons.

Claims 23 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of He. Applicants respectfully submit that the combination of Kelly and He do not suggest or disclose claim 23. The Office Action dated 8/31/2007 states on page 10, item 23 that a modem bank is disclosed in He on column 4, lines 43-45. This is contrary to the same Office Action, on page 4, item 8 and page 5, item 9 where the Office Action states, "He does not explicitly disclose a modem bank between the network elements and the server." Applicants respectfully request withdrawal of the rejection of claim 23 based on the Office Action's admission that a modem bank is not disclosed in He. Because claim 24 is dependent upon independent claim 23, Applicants respectfully request the rejection of claim 24 to be withdrawn for at least the same reasons.

CONCLUSION

For the foregoing reasons, and for other apparent reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stand ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, if a fee is due, please charge our Deposit Account No. 50-2816, under Order No. 024777.0139PTUS from which the undersigned is authorized to draw.

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Respectfully submitted,

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